



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David D. LADD et al.

Confirmation No. 1316

Application No.: 10/787,253

Group Art Unit: 1761

Filing Date: February 26, 2004

Examiner: M. Cano

For: FROZEN DESSERT PRODUCT

Publication No. 2006/0134274

CONTINGENT SUBMISSION OF PRIOR ART

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

On Friday, August 18, 2006, we filed a statement pursuant to 37 C.F.R. 1.99 along with a PTO Form 1449 listing three (3) references for the Examiner's review and consideration, and authorization to pay the applicable submission fee to a deposit account was provided. In that document, the pertinent portions of two of the references were identified, but full copies of those documents (or their English translations) were also supplied to demonstrate that the other portions of these documents are not inconsistent with the portions that were identified.

It is respectfully submitted that that submission was fully in accord with the rule, but if for any reason it was rejected and not forwarded to the Examiner, the attached contingent statement is enclosed. This paper has no identification of the pertinent portions of the documents. If the prior statement was forwarded to the Examiner, this document can be discarded as being duplicative.

Pursuant to 37 C.F.R. 117(p), the fee for this submission, should it be accepted, is believed to be \$180. Please charge any and all required fees to Winston & Strawn LLP Deposit Account No. 50-1814. In the event that this filing is not accepted, please do not charge the fee.

Respectfully submitted,

Date

21 August 2006

Scott H. Blackman

(Reg. No. 34,088)

WINSTON & STRAWN LLP
Customer No. 28765
202-282-5795

Certification of Service

I hereby certify that a complete copy of this letter, including the statement, the PTO Form 1449 and the cited references, is being served upon the attorney of record by first class mail, postage prepaid, this 21st day of August, 2006, addressed as follows:

Thomas A. O'Rourke, Esq.
BODNER & O'ROURKE
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Melville, NY 11747



Scott H. Blackman (Reg. No. 34,088)

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.